IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27-2-2007

Coram

The Honourable Mr.Justice P.SATHASIVAM
and
The Honourable Mr.Justice N.PAUL VASANTHAKUMAR

W.A.No.1608 of 2002

1. K.V. Santhanarayanan
2. Vimala Sathyanarayanan
3. Poornima
4. Srinivas ... Appellants/ Third Parties

Vs.

1. Gowthamraj Surana

2. Assistant Executive Engineer (O&M),
Chennai Electricity Distribution Circle/North,
Madhavaram,
Chennai.

3. Executive Engineer (O&M),
Chennai Electricity distribution Circle/North,
Vyasarpadi,
Chennai.

4. The Superintending Engineer,
Chennai Electricity Distribution Circle/North,
801 Anna Salai,
Chennai - 600 002. ... Respondents/
Petitioner &
Respondents 1 to 3

This writ appeal is filed under Clause 15 of Letters Patent against the order of the learned single Judge in W.P.No.277 of 2002 dated 9.4.2002 Petition presented under Article 226 of the Constitution of india to issue a writ of Mandamus directing the respondents 1 to 3 herin to effect electricity service connection to the petitioners premises bearing No.30, Dr. Ambedkar Nagar, Kalkotta Nagar, G.N.T. Road, Madhavaram, Chennai within such time as may be prescribed by this Honourable Court.

For Appellants : Mr.K.Chandrasekaran

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For 1st Respondent : Mr.R.Gandhi, Sr.Counsel, for Mr.V.Venkatasamy

For Respondents 2 to 4 : Mr.P.Subramaniam, Government Advocate

J U D G M E N T

(Judgment of the Court was made by P.SATHASIVAM, J.)

Aggrieved by the order of the learned single Judge dated 9.4.2002 made in W.P.No.277 of 2002, the appellants, after getting leave of this Court, filed the above writ appeal.

2. Heard the learned counsel for the appellants as well as respondents.

3. In the light of the order to be passed herein, we are of the view that it is unnecessary to traverse all the factual details as stated by both parties.

4. First respondent herein filed W.P.No.277 of 2002 praying to issue a writ of mandamus directing respondents therein - Officers of the Electricity Board, to effect electricity service connection to his premises bearing No.30 Dr.Ambedkar Nagar, Kalkotta Nagar, GNT Road, Madhavaram, Chennai. The learned single Judge, based on the order passed in C.R.P.No.3304 of 2000 dated 3.8.2001 and of the fact that the petitioner therein is in possession of the property in question, directed the respondents therein to provide electricity supply on fulfilling statutory requirements. Aggrieved by the said order, the appellants, who were not parties before the learned single Judge, filed the present writ appeal.

5. Though the learned counsel appearing for the appellants submitted that the conclusion of the learned single Judge and ultimate direction cannot be sustained in view of the pendency of the civil proceedings in S.A.No.12150 of 2006, we are of the view that it is unnecessary for this Court to go into the factual details regarding the civil dispute and various orders passed. It is not seriously disputed that in A.S.No.36 of 2003, the Principal District Judge, Chengalpet, came to the conclusion that the vendor of the writ petitioner was in possession of the property in question. No doubt, against the judgment and decree of the Principal District Judge, Chengalpet, the aggrieved parties have filed S.A.No.1150 of 2006 before this Court and the same has been entertained and it is pending as on date. Though such finding is under challenge by way of second appeal, in view of the fact that even according to the lower appellate Court the possession was with the vendor of the writ

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petitioner, we are satisfied that the direction of the learned single Judge for effecting service connection cannot be faulted with. It is needless to mention that the finding of the lower appellate Court (Principal District Court, Chengalpet) is to be canvassed only in the second appeal. We make it clear that the observation made by the learned single Judge with regard to possession is only for the disposal of the writ petition and as observed earlier, the same has to be decided only in the second appeal, which is pending as on date.

With the above observation, the writ appeal is dismissed. No costs. Connected miscellaneous petition is also dismissed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

vr

To

1. The Assistant Executive Engineer (O&M),
   Chennai Electricity Distribution Circle/North,
   Madhavaram, Chennai.

2. The Executive Engineer (O&M),
   Chennai Electricity distribution Circle/North,
   Vyasarpadi, Chennai.

3. The Superintending Engineer,
   Chennai Electricity Distribution Circle/North,
   801 Anna Salai, Chennai - 600 002.

1 cc to Mr.K.Chandrasekaran, Advocate, Sr. 11716
1 cc to Mr.V.Venkatasamy, Advocate, sr. 11815

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